

## NOTICES OF PROPOSED RULEMAKING

Unless exempted by A.R.S. § 41-1005, each agency shall begin the rulemaking process by first submitting to the Secretary of State's Office a Notice of Rulemaking Docket Opening followed by a Notice of Proposed Rulemaking that contains the preamble and the full text of the rules. The Secretary of State's Office publishes each Notice in the next available issue of the *Register* according to the schedule of deadlines for *Register* publication. Under the Administrative Procedure Act (A.R.S. § 41-1001 et seq.), an agency must allow at least 30 days to elapse after the publication of the Notice of Proposed Rulemaking in the *Register* before beginning any proceedings for making, amending, or repealing any rule. (A.R.S. §§ 41-1013 and 41-1022)

### NOTICE OF PROPOSED RULEMAKING

#### TITLE 12. NATURAL RESOURCES

#### CHAPTER 4. GAME AND FISH COMMISSION

##### PREAMBLE

- |                                    |                                 |
|------------------------------------|---------------------------------|
| <b><u>1. Sections Affected</u></b> | <b><u>Rulemaking Action</u></b> |
| R12-4-119                          | Amend                           |
| R12-4-304                          | Amend                           |
| R12-4-307                          | Amend                           |
| R12-4-309                          | Repeal                          |
- 2. The specific statutory authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**
- |                        |  |
|------------------------|--|
| Authorizing statutes:  | A.R.S. § 17-214 for R12-4-119;<br>A.R.S. § 17-231(A)(3) for R12-4-304, R12-4-307, and R12-4-309;<br>A.R.S. § 17-231(A)(1) for R12-4-304  |
| Implementing statutes: | A.R.S. § 17-214 for R12-4-119;<br>A.R.S. §§ 17-102, 17-235, and 17-301 for R12-4-304;<br>A.R.S. §§ 17-361 and 17-301 for R12-4-307;<br>A.R.S. § 17-102 for R12-4-304 and R12-4-309 |
- 3. A list of all previous notices appearing in the Register addressing the proposed rules:**
- Notice of Rulemaking Docket Opening: 7 A.A.R. 3120, July 20, 2001
- Notice of Public Meeting on Open Rulemaking Docket: 7 A.A.R. 3854, August 31, 2001
- 4. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**
- |            |  |
|------------|--|
| Name:      | Mark E. Naugle, Manager, Rules and Risk Management   |
| Address:   | Arizona Game and Fish Department DORR<br>2221 West Greenway Road<br>Phoenix, AZ 85023-4399 |
| Telephone: | (602) 789-3289   |
| Fax:       | (602) 789-3677   |
- 5. An explanation of the rules, including the agency's reasons for initiating the rules:**
- R12-4-119. Arizona Game and Fish Department Reserve**

Under A.R.S. § 17-214, the Commission has the authority to establish a volunteer organization known as the Arizona Game and Fish Department Reserve. R12-4-119 establishes the qualifications for membership in the reserve, and also designates the duties of the reserve in the areas of education, conservation, and enforcement.

The 1998 five-year rules review of R12-4-119 concluded that the reference to "Arizona Law Enforcement Officer Advisory Council" was no longer correct due to the amendment of 13 A.A.C. 4. The correct reference is now "Ari-

zona Peace Officer Standards and Training Board” and the proposed rulemaking amends the rule to reflect this change.

The proposed rulemaking also amends R12-4-119 as necessary to make the rule language consistent with the current Administrative Procedures Act requirements for rulemaking language and style.

**R12-4-304. Lawful Methods for Taking Wild Mammals, Birds and Reptiles**

The objective of the rule is to prescribe the lawful devices and methods that an individual may use to take wild mammals, birds, and reptiles during seasons prescribed by Commission Order, and subject to the restrictions prescribed by R12-4-303 and R12-4-318.

The proposed rulemaking makes the following amendments to R12-4-304:

- The proposed rulemaking amends the rule to allow individuals holding a crossbow permit issued under R12-4-216 to use a crossbow as a legal method of take for all big game species, with the exception of buffalo at Raymond Ranch Wildlife Area. (Crossbows will be allowed as a legal method of take for buffalo at House Rock Wildlife Area.) R12-4-216 authorizes disabled individuals to use a crossbow during an archery-only season established under R12-4-318, when the legal animal for the archery-only season may otherwise be taken by crossbow under R12-4-304. Archery-only seasons restrict individuals to using what are commonly understood to be “primitive” types of weapons. Crossbows are not considered to be “primitive” weapon types, since the discharge of the arrow or bolt is mechanically controlled; however, allowing disabled individuals to use a crossbow in archery-only seasons opens up recreational and hunting opportunities to these individuals that would otherwise be denied due to the limitations imposed by their disabilities. This provision of the proposed rulemaking is the result of a petition the Department received requesting this amendment to the rule.
- The proposed rulemaking amends the rule to add centerfire handguns no less than .41 Magnum or centerfire handguns with an overall cartridge length of no less than two inches as a legal method of take for buffalo at the House Rock Wildlife Area. This provision of the proposed rulemaking is the result of a petition the Department received requesting this amendment to the rule.
- R12-4-304(D)(4) contains an inaccurately phrased cross-reference to R12-4-307. The proposed rulemaking amends the rule to change the phrasing of the cross-reference to “Traps not prohibited by R12-4-307.” This change is hereafter referred to as administrative housekeeping change to the rule.
- The proposed rulemaking also amends the rule as necessary to make the rule language consistent with the current Administrative Procedures Act requirements for rulemaking language and style. These changes are hereafter referred to as administrative housekeeping changes to the rule.

**R12-4-307. Trapping Regulations: Licensing; Methods; Tagging of Bobcat Pelts**

The objective of R12-4-307 is to regulate trapping in a fair and strict manner with the utmost regard for wildlife management principles and public safety. The proposed rulemaking amends the rule to clarify the use of water set traps, changes the March 10 deadline for the issuance of bobcat permits and the tagging of bobcat pelts to April 10 to eliminate a conflict with the time-frame of the predator season, and amends the rule as necessary to make the rule language consistent with the current Administrative Procedures Act requirements for rulemaking language and style.

Water set traps are currently allowed under R12-4-307 because they are not listed in rule as prohibited methods or devices. Specifically addressing water set traps in R12-4-307 will benefit the public and licensed trappers by providing them with clarification on the restrictions for the use of water set traps.

The proposal to amend the rule to change the March 10 deadline in subsection (L) to April 10 is designed to eliminate a conflict with the time-frame of the predator season. Subsection (L) prescribes that the pelts of bobcats taken in Arizona that are sold, offered for sale, or exported from the state shall have bobcat permit tags attached by Department personnel or their authorized agents. The season for predator hunters runs through March 31, and the March 10 deadline for the issuance of permits and the tagging of pelts effectively precludes anyone from selling, offering for sale, or exporting from the state a bobcat that was taken between March 11 and March 31. The proposed rulemaking will eliminate this conflict.

**R12-4-309. Restricted Hunts**

The rule’s purpose is to restrict elk and javelina big game hunt areas by limiting hunting to only those individuals who are in possession of the required elk or javelina big game tag for that specific area and season. Only those individuals holding the required big game permit are allowed to be in these restricted hunt areas with a legal method of take for elk or javelina.

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While this rule has been effective in achieving the objective, the restrictions imposed by this rule are often at odds with the Department's need to establish more complex hunt structures. Effectively managing the resource while still providing adequate opportunity for the public is a difficult balancing act made even more difficult by the restrictions of R12-4-309. For these reasons, the proposed rulemaking will repeal this rule.

**6. A reference to any study that the agency relied on in its evaluation of or justification for the proposed rules and where the public may obtain or review the study, all data underlying each study, any analysis of the study and other supporting material:**

None

**7. A showing of good cause why the rules are necessary to promote a statewide interest if the rules will diminish a previous grant of authority of a political subdivision of this state:**

Not applicable

**8. The preliminary summary of the economic, small business, and consumer impact:**

**R12-4-119. Arizona Game and Fish Department Reserve**

The proposed rulemaking involves administrative and housekeeping changes only, and except for those costs directly associated with the rulemaking itself, the proposed rulemaking will result in no added cost to the Arizona Game and Fish Department. There will not be any added costs to the persons, agencies, or political subdivisions of this state directly affected by the implementation and enforcement of the proposed rulemaking, and there will not be any additional costs or reduction in revenues to businesses resulting from these rule amendments. There is no anticipated effect on the revenues or payroll expenditures of employers in the state as a consequence of the proposed rulemaking.

The only costs associated with the proposed rulemaking will be those resulting from the rulemaking itself. These costs will be directly borne by the Department, the Governor's Regulatory Review Council, and the Secretary of State's Office

The Department has determined that the benefits of the proposed rulemaking outweigh any costs.

**R12-4-304. Lawful Methods for Taking Wild Mammals, Birds and Reptiles**

Except for those costs directly associated with the rulemaking itself, the proposed rulemaking will result in no added cost to individuals, businesses, the Arizona Game and Fish Department, the political subdivisions of the state, or to other agencies.

Information about the proposed rule changes will be disseminated to Department personnel, the public, and other agencies as a part of the normal process of updating the information the Department annually publishes in the hunt regulations. Departmental enforcement related to the rulemaking will be integrated into existing enforcement responsibilities, and the costs of the rulemaking itself will be directly borne by the Department, the Governor's Regulatory Review Council, and the Secretary of State's Office.

No other agencies or political subdivisions of the state are directly affected by the implementation and enforcement of the proposed rulemaking, and there are no small businesses subject to the proposed rulemaking.

The Department has determined that the overall benefits of the proposed rulemaking outweigh any costs. The following is a brief summary of the costs and benefits of the specific provisions of the proposed rulemaking.

**I. The proposal to allow individuals holding a Crossbow Permit issued under R12-4-216 to use a crossbow as a legal method of take for all big game species**

There are currently 195 crossbow permittees in the state of Arizona, and these individuals will directly benefit from the proposed rulemaking, which will allow currently permitted individuals and anyone else who is subsequently issued a crossbow permit under R12-4-216 to use a crossbow as a legal method of take for all big game animals, with the exception of buffalo at Raymond Ranch Wildlife Area. (Crossbows will be allowed as a legal method of take for buffalo at House Rock Wildlife Area.). R12-4-216 authorizes disabled individuals to use a crossbow during an archery-only season established under R12-4-318, when the legal animal for the archery-only season may otherwise be taken by crossbow under R12-4-304. Currently, crossbow permittees can use a crossbow as a legal method of take for deer, javelina, turkey, and small game animals. The proposed rulemaking will open up recreational and hunting opportunities to these individuals that would otherwise be denied due to the limitations imposed by their disabilities. Businesses that sell crossbows may experience some increase in sales of these devices as a consequence of the proposed rulemaking; however, any increase is expected to be minimal.

This provision of the proposed rulemaking will not impact the number of hunt permit-tags and nonpermit tags issued by the Department and will therefore not result in any revenue increase or decrease to the Department. Crossbow per-

mits are issued free of charge to qualified individuals, and the Department may receive additional applications for crossbow permits as a consequence of the proposed rulemaking. The actual number of new permits issued by the Department as a consequence of the proposed rulemaking is expected to be minimal, however, and the Department does not anticipate any additional costs to the agency for the processing of these additional permits.

**II. The proposal to add centerfire handguns no less than .41 Magnum or centerfire handguns with an overall cartridge length of no less than 2 inches as a legal method of take for buffalo at the House Rock Wildlife Area.**

On average, there are 56 buffalo hunt permit-tags available for House Rock Wildlife Area. Under the proposed rulemaking, individuals drawn for these hunt permit-tags would have the option of using a centerfire handgun that is no less than .41 Magnum or a centerfire handgun with an overall cartridge length of no less than 2 inches as a legal method of take for buffalo. The restrictions placed on the type and caliber of centerfire handguns are intended to ensure that only those devices that are effective for taking buffalo are allowed as legal devices. This will ensure effective and efficient take of the animal, while still providing the public with additional hunting options. Because a buffalo hunt is a once in a lifetime opportunity, the Department expects that there will be a very limited number of individuals who will in fact choose to use a centerfire handgun as a method of take for buffalo. Nevertheless, the Department has received two petitions for this rule change, and it believes that it is practical to allow for the use of centerfire handguns that are no less than .41 Magnum or centerfire handguns with an overall cartridge length of no less than 2 inches as a legal method of take for buffalo at the House Rock Wildlife Area.

Since buffalo hunters at House Rock Wildlife Area will still have the option of using centerfire rifles, muzzleloading rifles, rifles using black powder or synthetic black powder, and bows and arrows to take buffalo, there will be no additional costs to individuals affected by the proposed rulemaking. Those individuals who choose to use centerfire handguns as a method of take for buffalo may incur additional costs if they decide to purchase centerfire handguns for this purpose; however, the number of individuals who decide to do this is expected to be very limited, and choosing to use a centerfire handgun for the take of buffalo will be entirely optional.

This provision of the proposed rulemaking will benefit the Arizona Game and Fish Department since it will allow the Department to offer additional hunting opportunities to that segment of the hunting public that chooses to use handguns as a method of take.

The proposed rulemaking will not impact the number of buffalo hunt permit-tags issued by the Department and will therefore not result in any revenue increase or decrease to the Department. The Department has determined that the benefits of this provision of the proposed rulemaking outweigh any costs.

**III. The proposed administrative housekeeping rule amendments**

Except for those costs directly associated with the rulemaking itself, the proposed rulemaking will result in no added cost to individuals, businesses, the Arizona Game and Fish Department, the political subdivisions of the state, or to other agencies.

The proposed rulemaking will benefit the general public, businesses, the Arizona Game and Fish Department, the political subdivisions of the state, and other agencies by amending outdated language and by making the language of the rule consistent with the current Administrative Procedures Act requirements for rulemaking language and style.

**R12-4-307. Trapping Regulations: Licensing; Methods; Tagging of Bobcat Pelts**

In 2000, there were 64 licensed trappers in the state of Arizona. These individuals, and the approximately 1500 predator hunters who annually take bobcats will directly benefit from the proposed rulemaking. The proposed rule change will extend the deadline for tagging bobcat pelts to April 10 of each year, which will allow for predator hunters who lawfully take bobcats through the close of the predator season to obtain tags to sell or export bobcat pelts.

Individuals who previously could not purchase tags for bobcat pelts due to conflicts between the close of the predator season and the existing March 10 deadline for tagging bobcat pelts will now have the opportunity to purchase tags at a cost of \$2 per tag. There is no way to determine the exact number of additional tags that will be issued under the proposed rulemaking; however, the number, on average, will be between 0 and 1,312 (the difference between the number of tags issued in 2000 and the number of bobcats taken in 2000 by hunters).

Except for the \$2 cost of the bobcat tag for those additional individuals who wish to take advantage of the opportunity to sell or export a bobcat pelt between March 11 and April 10 of each year, there will be no added costs to the persons directly affected by this provision of the proposed rulemaking.

Water set traps are currently allowed under R12-4-307 because they are not listed in rule as prohibited methods or devices. Specifically addressing water set traps in R12-4-307 will benefit the public and licensed trappers by provid-

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ing them with clarification on the restrictions for the use of water set traps. This provision of the proposed rulemaking will not result in any additional costs to the persons who will be directly affected by the proposed rulemaking.

Except for those costs directly associated with the rulemaking itself, the proposed rulemaking will result in no added cost to the Arizona Game and Fish Department or to other agencies directly affected by the implementation and enforcement of the proposed rulemaking. No significant increase in trapping is expected as a result of the proposed rulemaking, and no additional enforcement will be necessary, since the use of water set traps will only be allowed on private land. The costs of the rulemaking itself will be directly borne by the Department, the Governor's Regulatory Review Council, and the Secretary of State's Office.

The proposed rulemaking will benefit the Department and other agencies directly affected by the implementation and enforcement of the proposed rulemaking by amending outdated language and by making the language of the rule consistent with the current Administrative Procedures Act requirements for rulemaking language and style. The Department may experience a revenue increase if individuals who previously could not purchase tags for bobcat pelts due to conflicts between the close of the predator season and the existing March 10 deadline for tagging pelts decide to take advantage of the extended opportunity to purchase tags. There is no way to determine the exact number of additional tags that will be purchased under the proposed rulemaking; however, the number, on average, will be between 0 and 1,312 (the difference between the number of tags issued in 2000 and the number of bobcats taken in 2000 by hunters). At \$2 per tag, the Department can expect to see an average yearly revenue increase of between \$0 and \$2,624 as a consequence of the proposed rulemaking.

The Department has determined that the benefits of the proposed rulemaking outweigh any costs.

**R12-4-309. Restricted Hunts**

Under A.R.S. § 41-1055(D)(3), the agency is exempt from providing an economic, small business, and consumer impact statement.

**9. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:**

Name: Mark E. Naugle, Manager, Rules and Risk Management  
Address: Arizona Game and Fish Department DORR  
2221 West Greenway Road  
Phoenix, AZ 85023-4399  
Telephone: (602) 789-3289  
Fax: (602) 789-3677

**10. The time, place, and nature of the proceedings for the adoption, amendment, or repeal of the rules; or, if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rules:**

The Arizona Game and Fish Commission will hold a public hearing and may take action to amend the rule on:

Date: Friday, January 18, 2002  
Time: To be announced. The Commission Meeting Agenda will be available to the public on January 4, 2002. Copies of the Commission Meeting Agenda may be obtained by contacting the following person:  
Mark E. Naugle, Manager, Rules and Risk Management  
Arizona Game and Fish Department DORR  
2221 West Greenway Road  
Phoenix, AZ 85023-4399  
Telephone: (602) 789-3289  
Fax: (602) 789-3677  
Location: Wildlife Building – Arizona State Fairgrounds  
1826 W. McDowell Road  
Phoenix, AZ

Persons with a disability may request a reasonable accommodation, such as a sign language interpreter, or this document in an alternative format, by contacting the AGFD Deputy Director, 2221 W. Greenway Rd., Phoenix, AZ 85023, (602) 789-3290. Requests should be made as early as possible to allow sufficient time to arrange for accommodation.

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The Arizona Game and Fish Department (AGFD) prohibits discrimination on the basis of race, color, sex, national origin, age, or disability in its programs and activities. If anyone believes that they have been discriminated against in any of the AGFD's programs or activities, including its employment practices, the individual may file a complaint alleging discrimination directly with the AGFD Deputy Director, 2221 W. Greenway Rd., Phoenix, AZ 85023, (602) 789-3290, or the U.S. Fish and Wildlife Service, 4040 N. Fairfax Dr., Ste. 130, Arlington, VA 22203.

**11. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:**

Not applicable

**12. Incorporations by reference and their location in the rules:**

None

**13. The full text of the rules follows:**

**TITLE 12. NATURAL RESOURCES**

**CHAPTER 4. GAME AND FISH COMMISSION**

**ARTICLE 1. DEFINITIONS AND GENERAL PROVISIONS**

Section

R12-4-119. Arizona Game and Fish Department Reserve

**ARTICLE 3. TAKING AND HANDLING OF WILDLIFE**

Section

R12-4-304. Lawful Methods for Taking Wild Mammals, Birds, and Reptiles

R12-4-307. Trapping Regulations: Licensing; Methods; Tagging of Bobcat Pelts

R12-4-309. ~~Restricted Hunts~~ Repealed

**ARTICLE 1. DEFINITIONS AND GENERAL PROVISIONS**

**R12-4-119. Arizona Game and Fish Department Reserve**

**A.** ~~The Commission shall establish~~ There shall be an Arizona Game and Fish Department Reserve established under pursuant to A.R.S. § 17-214, consisting of commissioned reserve officers and noncommissioned reserve volunteers.

~~1. Commissioned reserve officers.~~

~~2. Noncommissioned reserve volunteers.~~

**B.** Commissioned reserve officers shall:

1. Meet and maintain the minimum qualifications and training requirements necessary for peace officer certification by the Arizona Peace Officer Standards and Training Board ~~Arizona Law Enforcement Officer Advisory Council~~ as prescribed in 13 A.A.C. 4.

2. Assist with wildlife enforcement patrols, boating enforcement patrols, special investigations, and other enforcement and related nonenforcement duties as designated by the Director.

**C.** Noncommissioned reserve volunteers shall:

1. ~~Meet~~ May be required to meet qualifications ~~prescribed by that~~ the Director determines ~~when such qualifications are directly related to the services to be performed by the volunteer and to the success or safety of the program mission to be accomplished.~~

2. Perform ~~Shall perform such~~ duties as designated ~~prescribed~~ by the Director for the purposes of conservation and education to which will ~~which will~~ maximize paid staff time.

**ARTICLE 3. TAKING AND HANDLING OF WILDLIFE**

**R12-4-304. Lawful Methods for Taking Wild Mammals, Birds, and Reptiles**

**A.** An individual may use the following methods to take big game. ~~These methods are subject to the restrictions set forth in R12-4-318.~~

1. To take antelope:

- a. Centerfire rifles;
- b. Muzzleloading rifles;
- c. All other rifles using black powder or synthetic black powder;
- d. Centerfire handguns;
- e. Handguns using black powder or synthetic black powder;
- f. Shotguns shooting slugs;

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- g. Bows ~~with having~~ a standard pull of 40 or more pounds, using arrows with broadheads no less than 7/8 inch in width with metal cutting edges;-
  - h. For individuals holding a crossbow permit issued under R12-4-216, crossbows with a minimum draw weight of 125 pounds, using bolts with a minimum length of 16 inches and broadheads no less than 7/8 inch in width with metal cutting edges.
2. To take bear:
- a. Centerfire rifles;
  - b. Muzzleloading rifles;
  - c. All other rifles using black powder or synthetic black powder;
  - d. Centerfire handguns;
  - e. Handguns using black powder or synthetic black powder;
  - f. Shotguns shooting slugs;
  - g. Bows ~~with having~~ a standard pull of 40 or more pounds, using arrows with broadheads no less than 7/8 inch in width with metal cutting edges;
  - h. For individuals holding a crossbow permit issued under R12-4-216, crossbows with a minimum draw weight of 125 pounds, using bolts with a minimum length of 16 inches and broadheads no less than 7/8 inch in width with metal cutting edges;
  - ~~h.i.~~ Substances placed in a manner intended to attract bears are lawful only during seasons established under R12-4-318.
3. To take bighorn sheep:
- a. Centerfire rifles;
  - b. Muzzleloading rifles;
  - c. All other rifles using black powder or synthetic black powder;
  - d. Centerfire handguns;
  - e. Handguns using black powder or synthetic black powder;
  - f. Shotguns shooting slugs;
  - g. Bows ~~with having~~ a standard pull of 40 or more pounds, using arrows with broadheads no less than 7/8 inch in width with metal cutting edges;-
  - h. For individuals holding a crossbow permit issued under R12-4-216, crossbows with a minimum draw weight of 125 pounds, using bolts with a minimum length of 16 inches and broadheads no less than 7/8 inch in width with metal cutting edges.
4. To take buffalo:
- a. At the House Rock Wildlife Area:
    - i. Centerfire rifles;
    - ii. Muzzleloading rifles;
    - iii. All other rifles using black powder or synthetic black powder;
    - iv. Centerfire handguns no less than .41 Magnum or centerfire handguns with an overall cartridge length of no less than 2 inches;
    - ~~iv-v.~~ Bows ~~with having~~ a standard pull of 50 or more pounds, using arrows with broadheads of no less than 7/8 inch in width with metal cutting edges;-
    - vi. For individuals holding a crossbow permit issued under R12-4-216, crossbows with a minimum draw weight of 125 pounds, using bolts with a minimum length of 16 inches and broadheads no less than 7/8 inch in width with metal cutting edges.
  - b. At the Raymond Ranch Wildlife Area:
    - i. Centerfire rifles;
    - ii. Muzzleloading rifles;
    - iii. All other rifles using black powder or synthetic black powder.
5. To take deer:
- a. Centerfire rifles;
  - b. Muzzleloading rifles;
  - c. All other rifles using black powder or synthetic black powder;
  - d. Centerfire handguns;
  - e. Handguns using black powder or synthetic black powder;
  - f. Shotguns shooting slugs;
  - g. Bows ~~with having~~ a standard pull of 40 or more pounds, using arrows with broadheads no less than 7/8 inch in width with metal cutting edges;
  - h. Crossbows ~~with having~~ a minimum draw weight of 125 pounds, using bolts with a minimum length of 16 inches and broadheads no less than 7/8 inch in width with metal cutting edges.
6. To take elk:

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- a. Centerfire rifles;
  - b. Muzzleloading rifles;
  - c. All other rifles using black powder or synthetic black powder;
  - d. Centerfire handguns;
  - e. Handguns using black powder or synthetic black powder;
  - f. Shotguns shooting slugs;
  - g. Bows with having a standard pull of 40 or more pounds, using arrows with broadheads no less than 7/8 inch in width with metal cutting edges;-
  - h. For individuals holding a crossbow permit issued under R12-4-216, crossbows with a minimum draw weight of 125 pounds, using bolts with a minimum length of 16 inches and broadheads no less than 7/8 inch in width with metal cutting edges.
7. To take javelina:
- a. Centerfire rifles;
  - b. Muzzleloading rifles;
  - c. All other rifles using black powder or synthetic black powder;
  - d. Centerfire handguns;
  - e. Handguns using black powder or synthetic black powder;
  - f. Shotguns shooting slugs;
  - g. Bows with having a standard pull of 40 or more pounds, using arrows with broadheads no less than 7/8 inch in width with metal cutting edges;
  - h. Crossbows with having a minimum draw weight of 125 pounds, using bolts with a minimum length of 16 inches and broadheads no less than 7/8 inch in width with metal cutting edges;
  - i. .22 rimfire magnum rifles;
  - j. 5 mm rimfire magnum rifles.
8. To take mountain lion:
- a. Centerfire rifles;
  - b. Muzzleloading rifles;
  - c. All other rifles using black powder or synthetic black powder;
  - d. Centerfire handguns;
  - e. Handguns using black powder or synthetic black powder;
  - f. Shotguns shooting slugs;
  - g. Bows with having a standard pull of 40 or more pounds, using arrows with broadheads no less than 7/8 inch in width with metal cutting edges;-
  - h. For individuals holding a crossbow permit issued under R12-4-216, crossbows with a minimum draw weight of 125 pounds, using bolts with a minimum length of 16 inches and broadheads no less than 7/8 inch in width with metal cutting edges.
9. To take turkey:
- a. Centerfire rifles;
  - b. Muzzleloading rifles;
  - c. All other rifles using black powder or synthetic black powder;
  - d. Centerfire handguns;
  - e. Handguns using black powder or synthetic black powder;
  - f. Shotguns shooting slugs;
  - g. Bows with having a standard pull of 40 or more pounds, using arrows with broadheads no less than 7/8 inch in width with metal cutting edges;
  - h. Crossbows with having a minimum draw weight of 125 pounds, using bolts with a minimum length of 16 inches and broadheads no less than 7/8 inch in width with metal cutting edges;
  - i. .22 rimfire magnum rifles;
  - j. 5 mm rimfire magnum rifles;
  - k. Shotguns shooting shot.
- B.** An individual may use the following methods to take small game. ~~These methods are~~ subject to the restrictions in R12-4-318.
1. To take cottontail rabbits and tree squirrels:
- a. Firearms not prohibited in R12-4-303,
  - b. Bow and arrow,
  - c. Crossbow,
  - d. Pneumatic weapons,
  - e. Slingshots,
  - f. Falconry.



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2. To take all upland game birds:
    - a. Bow and arrow,
    - b. Falconry,
    - c. Shotguns shooting shot,
    - d. Handguns shooting shot,
    - e. Crossbow.
  3. To take migratory game birds:
    - a. Bow and arrow;
    - b. Crossbow;
    - c. Falconry;
    - d. Shotguns shooting shot, except that individuals in areas designated by Commission order as "nontoxic shot zones" shall not possess lead shot while taking ducks, geese, swans, or coots.
- C. ~~An individual~~ Individuals may take waterfowl from any watercraft except a sinkbox, only under the following conditions:
1. Any motor has been shut off, any sail furlled, and any progress from a motor or sail has ceased;
  2. The watercraft may be drifting as a result of current or wind action; may be beached, moored, or resting at anchor; or may be propelled by paddle, oars, or pole;
  3. An individual may use a watercraft under power to retrieve dead or crippled waterfowl, but no shooting is permitted while the watercraft is underway.
- D. An individual may take predatory and furbearing animals by using the following methods. ~~These methods are~~ subject to the restrictions in R12-4-318. An individual may use artificial light while taking raccoon but shall not attach lights to or operate lights from a motor vehicle, including powerboats.
1. Firearms not prohibited in R12-4-303,
  2. Bow and arrow,
  3. Crossbow,
  4. Traps ~~not prohibited as authorized~~ by R12-4-307.
- E. An individual may take nongame mammals and birds by any method except foot-hold steel traps or methods prohibited in R12-4-303 or R12-4-318. An individual may use artificial light while taking nongame mammals and nongame birds but shall not use firearms at night, and shall not attach lights to or operate moveable lights from a motor vehicle, including powerboats.
- F. An individual may take reptiles, except soft-shell turtles, by any method not prohibited in R12-4-303 or R12-4-318. An individual may use artificial light while taking reptiles but shall not use firearms at night, and shall not attach lights to or operate lights from a motor vehicle, including powerboats.

**ARTICLE 3. TAKING AND HANDLING OF WILDLIFE**

**R12-4-307. Trapping Regulations: Licensing; Methods; Tagging of Bobcat Pelts**

- A. For the purposes of this Section, the following definitions apply:
1. "Body-gripping trap" means a device designed to capture an animal by gripping the animal's body.
  2. "Confinement trap" means a device designed to capture wildlife alive and hold it without harm.
  3. "Instant kill trap" means a device designed to render an animal unconscious and insensitive to pain quickly with inevitable subsidence into death without recovery of consciousness.
  4. "Land set" means any trap used on land rather than in water.
  5. "Leghold trap" means a device designed to capture an animal by the leg or foot.
  6. "Paste-type bait" means a partially liquefied substance intended for use as a lure for animals.
  7. "Sight-exposed bait" means a carcass or parts of a carcass lying openly on the ground or suspended in a manner so that it can be seen from above by a bird. This does not include dried or bleached bones with no attached tissue or less than 2 ounces of paste-type baits or trap flags.
  8. "Trap flag" means an attractant made from materials other than animal parts that is suspended at least 3 feet above the ground.
  9. "Water set" means any trap used and anchored in water rather than on land.
- B. A valid trapping license is required of any individual person 14 years of age or older for trapping predatory and fur-bearing animals. Traps may be used to take predatory and fur-bearing animals ~~such wildlife~~ only during the trapping season established by Commission order.
- C. All trappers shall inspect their traps daily and kill or release all predatory and fur-bearing animals. All trappers ~~A trapper~~ shall release without additional injury all animals that cannot lawfully be taken by trap. While in the field, all trappers ~~Every trapper~~ shall possess ~~while in the field~~ a device that is designed or manufactured to restrain trapped animals so that a trapped animal ~~they~~ can be removed from a trap ~~the traps~~ when ~~its~~ their release is required by this rule. All trappers ~~A trapper~~, in units designated by Commission Order as javelina hunt units, shall possess a choke restraint device sufficient to release a javelina from a trap.

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- D.** It is unlawful for any individual to:
1. Set a trap within 1/2 mile of any of the following areas developed for public use: a boat launching area, picnic area, camping area, or roadside rest area;
  2. Set a trap within 1/2 mile of any occupied residence or building without permission of the owner or resident;
  3. Set a trap within 100 yards of an interstate highway or any other highway maintained by the Arizona Department of Transportation, within 25 yards of any other road as defined by A.R.S. § 17-101, or within 50 feet of any trail maintained for public use by a government agency;
  4. Set a leghold trap within 30 feet of a sight-exposed bait;
  5. Bait a confinement trap with live animals or portions of game mammals, big game, small game, upland game birds, migratory game birds, or game fish, or use bait with a confinement trap that is not wholly contained within the confinement trap;
  6. Use any trap with teeth;
  7. Use any snare;
  8. Use any trap with an open ~~a~~ jaw spread exceeding 6 1/2 inches for any land set;
  9. Use a body-gripping or other instant kill trap with an open jaw spread exceeding 5 inches for any land set;
  10. Use a leghold trap with an open jaw spread exceeding 7 1/2 inches for any water set;
  11. Use a body-gripping or other instant kill trap with an open jaw spread exceeding 10 inches for any water set.
- E.** An individual who uses a leghold trap to take wildlife with a land set shall use a commercially manufactured padded or rubber-jawed trap, or an ~~unpadded~~ trap with jaws permanently offset to a minimum of 3/16 inch.
1. An anchor chain shall be attached to the trap frame within 1/2 inch of the center of the trap.
  2. An anchor chain longer than 12 inches shall be equipped with swivels at each end and at least 1 swivel positioned near the middle of the anchor chain; an anchor chain 12 inches or shorter shall contain at least 2 swivels, 1 at each end.
  3. The anchor chain shall be equipped with a shock-absorbing spring requiring less than 40 pounds of force to extend or open the spring.
  4. The trap shall be used with a device to allow for pan tension adjustment.
- F.** Every licensed trapper shall file a complete written report as required by A.R.S. § 17-361(D) with the Phoenix Office of the Department by April 1 of each year on a form available from any Department office. A report is required even though no trapping is done.
- G.** Persons suffering from property loss or damage due to wildlife and who take responsive measures as permitted under A.R.S. §§ 17-239 and 17-302 are exempt from this rule. Exemption under this rule does not authorize any form of trapping prohibited by A.R.S. § 17-301.
- H.** All trappers shall ensure that their traps are ~~shall be~~ plainly identified with the name and address or registered number of the owner as prescribed ~~by in~~ A.R.S. § 17-361(B). All trappers shall ensure that their traps have the ~~The~~ name and address or registered number of the owner must be legibly marked on ~~a metal tags tag~~ attached to the ~~traps trap~~. A number assigned by the Department is the only acceptable registered number. For the purpose of this Section rule, “owner” means the person placing, setting, or using the trap.
- I.** Any individual person applying for a trapping license shall provide the following information on a form available from any Department office:
1. Full name, address, and telephone number;
  2. Date of birth and physical description;
  3. An identification number assigned by the Department;
  4. Category of license: resident, nonresident, or juvenile;
  5. Signature of applicant.
- J.** The Department shall issue a ~~A~~ trapper’s registered number ~~shall be issued by the Department and enter the number on entered upon~~ the trapping license at the time of purchase. Trappers under the age of 14 who are not required to purchase a trapping license shall obtain a registration number from any the Department office before taking any wildlife with a trap. A trapper’s registration number is not transferable.
- K.** The unskinned carcass of any bobcat trapped in Arizona or the pelt of any bobcat trapped in Arizona shall have a validated bobcat transportation tag attached, except for a pelt tagged for sale and exportation under as provided for in ~~in~~ subsection (L) ~~of this rule~~.
1. The following information shall be provided on the bobcat transportation tag: current trapping license number, game management unit where the bobcat was taken, sex of the bobcat, and method by which the bobcat was taken. Bobcat transportation tags shall be provided by the Department with each trapping license. Licensed trappers may obtain additional ~~Additional~~ transportation tags ~~may be obtained by licensed trappers from any Department office offices~~ at no charge.
  2. Bobcat transportation tags shall be validated by the trapper immediately upon taking the bobcat by legibly and completely filling in all information required on the tag.

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- L. Raw pelts of bobcats taken in Arizona that are sold, offered for sale, or exported from the state shall have bobcat permit tags (export tags) locked through the mouth ~~and and/or~~ eye openings or both eye openings ~~so in a manner such~~ that they cannot be removed without damaging the tag. Bobcat permit tags may be obtained as follows:
1. Bobcat permit tags are available for a fee as provided in R12-4-102 at Department offices and other locations at those times and places as determined and published by the Department.
  2. When available, bobcat permit tags are ~~shall be~~ issued on a first-come, first-served basis from November 1 through April ~~March~~ 10 each year.
  3. Department personnel or their authorized agents shall attach and lock bobcat permit tags only to those pelts presented with validated transportation tags. Transportation tags shall be collected by the individuals ~~persons~~ issuing the bobcat permit tags.
  4. The April ~~March~~ 10 deadline is waived for pelts consigned to licensed taxidermists for tanning or mounting.
  5. The Department representative shall attach bobcat permit tags to bobcat ~~Bobcat~~ pelts seized under the provisions of A.R.S. § 17-211(D)(4) before ~~shall be tagged with bobcat permit tags prior to~~ disposal by the Department. The April ~~March~~ 10 deadline is waived for pelts tagged under the provisions of this subsection.

**R12-4-309. Restricted Hunts Repealed**

- ~~A. With the exceptions listed in subsection (C) of this rule, hunt areas established by Commission order for the following seasons are closed to hunting by all persons not possessing the valid big game tag required for that season:~~

- ~~1. All elk seasons within the following units as described in R12-4-108:~~

~~Unit 1.~~

~~Unit 2B.~~

~~Unit 2C.~~

~~Unit 3A.~~

~~Unit 3B.~~

~~Unit 3C.~~

~~Unit 4A.~~

~~Unit 4B.~~

~~Unit 5A.~~

~~Unit 5B.~~

~~Unit 6A.~~

~~Unit 6B.~~

~~Unit 7.~~

~~Unit 8.~~

~~Unit 9.~~

~~Unit 10.~~

~~Unit 22, except the portion in the Mazatzal Mountains.~~

~~Unit 23, except the portion in the Sierra Ancha Mountains.~~

~~Unit 27, except the portion lying south of the line beginning at the New Mexico state line and Blue River, southwesterly along Blue River to its juncture with Strayhorse and Bear Canyon Trails, southwesterly on Strayhorse and Bear Canyon Trails to Forest Road 217, north on Forest Road 217 to the San Carlos Indian Reservation.~~

- ~~2. All general javelina seasons in all units.~~

- ~~B. Persons taking elk or javelina according to subsection (A) may take other wildlife in season before killing their permitted elk or javelina, according to the restrictions in R12-4-318.~~

- ~~C. Following are the exceptions to subsection (A):~~

- ~~1. Archery only elk hunters may continue to hunt other wildlife in season with bow and arrow after killing their permitted elk;~~
- ~~2. Persons holding special big game license tags issued pursuant to R12-4-120, or hunt permit tags valid for deer, antelope, buffalo, or bighorn sheep may take their lawful big game during an open season running concurrently with any season named in subsection (A);~~
- ~~3. Licensed hunters may take small game, nongame animals, predators and furbearers in season by the following methods, when lawful for the species pursuant to R12-4-304 or R12-4-318:~~
  - ~~a. Shotgun shooting shot;~~
  - ~~b. .22 rimfire rifle;~~
  - ~~c. Rimfire pistol;~~
  - ~~d. Pneumatic rifle;~~
  - ~~e. Slingshot;~~
  - ~~f. Falconry;~~
  - ~~g. Trap;~~
  - ~~h. Net;~~

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- i. ~~Hand propelled projectile;~~
- j. ~~Capture by hand.~~
- 4. ~~Trappers licensed under R12-4-307 may trap in these areas.~~
- D.** ~~This rule is effective January 1, 1999.~~